

State of Hawai‘i
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Aquatic Resources
Honolulu, Hawai‘i 96813

February 25, 2022

Board of Land and Natural Resources
State of Hawai‘i
Honolulu, Hawai‘i

REQUEST FOR APPROVAL TO HOLD PUBLIC HEARINGS TO ADOPT A NEW
CHAPTER UNDER HAWAII ADMINISTRATIVE RULES (“HAR”) AS TITLE 13
CHAPTER 60.XX, MILOLI‘I COMMUNITY-BASED SUBSISTENCE FISHING
AREA, HAWAI‘I, TO MANAGE AND PROTECT FISH STOCKS AND TO
REAFFIRM TRADITIONAL AND CUSTOMARY NATIVE HAWAIIAN
SUBSISTENCE FISHING PRACTICES ALONG THE SOUTHWEST COAST OF
HAWAI‘I ISLAND

Submitted for your consideration and approval is a request to hold public hearings to adopt Hawaii Administrative Rules (HAR) chapter 13-60.XX to designate the Miloli‘i Community-Based Subsistence Fishing Area, Hawai‘i (Miloli‘i CBSFA), to ensure abundant stocks of priority species and high-quality fishing now and in the future for residents and visitors to Miloli‘i and to reaffirm and perpetuate fishing practices that were customarily and traditionally exercised for Native Hawaiian subsistence, culture, or religion along the southwest coast of Hawai‘i Island. The Miloli‘i CBSFA is an excellent example of the interweaving of traditional and modern scientific knowledge and improving the Department of Land and Natural Resources’ (DLNR or Department) and the community’s capacity to co-manage the State’s public trust resources.

HISTORY

DLNR and community-driven efforts to address concerns over the observed declines in the abundance of important marine species along the South Kona coast span over 40 years and eight DLNR administrations. The following provides a brief history of the relevant events that have culminated in the proposal currently before the Board.

The nearshore ecosystems of the South Kona coast of Hawai‘i Island teemed with life and abundance which supported pockets of human settlements over the last 500 years. The fishing families of Miloli‘i have continued these traditions and refer to Miloli‘i as their icebox that the community relies heavily on for subsistence. Generations of family members lived and traversed between the coastal villages in the Miloli‘i area as recently as the mid 1900s. Families still living in Miloli‘i continue to access critical traditional fishing grounds at the bays of Pāpā, Honomalino, Okoe, and Kapu‘a. Unique to Miloli‘i and other South Kona communities is the documented relatively high number of villagers who noted fishing as their primary occupation. Subsequently, Miloli‘i and its surrounding

coastal areas have become one of the last pockets in Hawai‘i where traditional Hawaiian fishing practices have been preserved and are still practiced today.

Pa‘a Pono Miloli‘i (PPM), a grassroots community-based organization, was formed in 1980 to convene community discussions around mālama ‘āina activities and stewardship efforts leading to the development of the Miloli‘i-Ho‘opūloa Master Plan that was released in 1984. The Master Plan included critical historical details providing the rationale for natural and cultural resource management including the revitalization of the traditional fisheries of Miloli‘i with a special emphasis on ‘ōpelu.

In 2005, Miloli‘i became the first permanent, legislatively designated community-based subsistence fishing area (CBSFA) in Hawai‘i through Act 232.¹ Several years later, DLNR held a series of public meetings with the Miloli‘i community to discuss proposed rules for the CBSFA. No fisheries rules, designation boundaries, or management plan were developed for the Miloli‘i CBSFA at that time, and the community instead shifted their focus towards education, youth, and community development activities.

In 2012, a second and complimentary Miloli‘i grassroots non-profit organization, Kalanihale, was formed to provide access to high-quality and culturally-grounded education in Miloli‘i. PPM and Kalanihale expanded their focus to include community-based and co-management actions, including marine monitoring and a process to develop a management plan for the Miloli‘i CBSFA. In 2015, community members gathered to map a way towards achieving their CBSFA goals, including a review of Hawai‘i marine management area (MMA) designation types, existing Miloli‘i marine resources data, major obstacles, concerns, and possible solutions.

Between 2015-2017, Kalanihale conducted 41 interviews with 65 individuals with genealogical ties to Miloli‘i, ranging in ages from 18 to 80 years. Interview results showed the majority of interviewees agreed to a much needed pono code of conduct through regulation and management for Miloli‘i. A core management planning hui was formed made up of Miloli‘i community members (Kalanihale and PPM) and support from Conservation International (CI). Facilitated by CI, the hui went through a community-driven marine resource assessment process guided by interview results and constant Miloli‘i family and fisher input. The assessment identified target management species, species health status, threats, and possible management solutions. Bi-monthly hui meetings were held in 2017 and 2018. Based on the assessment, a conceptual model was developed that provided the information and rationale for moving into the next phase of developing marine management plan objectives and a set of proposed fisheries management measures for the Miloli‘i CBSFA.

Concurrent to the planning hui activities, Kalanihale and PPM also collaborated with CI, Plan B Consulting, and DLNR-DAR to conduct multiple biological monitoring activities focused on the Miloli‘i nearshore, coral, and benthic habitats. Intertidal and in-water fish surveys as well as coral monitoring were conducted in 2016 and 2018. Data from monitoring efforts conducted by Kalanihale and PPM, in collaboration with CI, compiled

¹ Section 2 of Act 232 (SLH 2005) is codified at Hawaii Revised Statutes (HRS) § 188-22.7.

with other available DAR data, have provided a general baseline on the status of the resources prior to the implementation of fisheries rules under the Miloli‘i CBSFA. The documented work, commitment, and marine stewardship efforts of the Miloli‘i families and community members since the early 1980s through today display the community’s dedication and motivation to actively manage their resources.

From 2015 to 2020, Kalanihale continued to hold publicly advertised community workshops and meetings to provide on-island community outreach and engagement to discuss the Miloli‘i CBSFA proposal. Following the numerous community-led public community workshops and meetings, DAR conducted its own statewide public scoping on December 16, 2021. DAR staff received numerous questions, comments, and suggestions at the statewide public scoping. The feedback from the statewide scoping meeting has been compiled and summarized and is attached as **Exhibit 1**.

On February 8, 2022, Kalanihale submitted an updated management plan for the Miloli‘i CBSFA, which has been reviewed by DAR. The outreach efforts of the Miloli‘i community are documented in a comprehensive Administrative Record which, along with the updated Marine Management Plan, is available at www.kalanihale.com/admin-record.

After an extensive community-led outreach process, followed by statewide DLNR public scoping and stakeholder meetings, DLNR understands that the main community issues brought forth pertain to the proposed prohibition on aquarium fishing within the CBSFA. Given the amount of due diligence and public scoping work done pursuant to the Miloli‘i CBSFA proposal, DLNR and DAR requests the Board’s approval to hold public hearings, to further solicit community comments for the Miloli‘i CBSFA, pursuant to the Chapter 91 process.

PURPOSE AND OVERVIEW OF PROPOSED CBSFA RULES FOR THE SOUTHWEST COAST OF HAWAI‘I ISLAND

DAR proposes to adopt a new chapter, HAR chapter 13-60.XX, to designate the Miloli‘i CBSFA and to establish rules governing marine resource uses and activities within the area.

Section 1 describes the purpose of the chapter.

Section 2 provides definitions of relevant terms as used in the chapter.

Section 3 delineates the boundaries of the Miloli‘i CBSFA, the ‘Ōpelu Traditional Management Zone, the Pu‘uhonua Pāpā, the Pāku‘iku‘i Rest Area, Puakai‘a Miloli‘i, the Pu‘uhonua Honomalino, the Pu‘uhonua Kapu‘a, and the Pu‘uhonua Manukā.

Section 4 prescribes the permitted and prohibited activities within the Miloli‘i CBSFA. The regulations in Section 4 set stricter bag limits, size limits, and gear restrictions to

prevent over-harvesting while allowing for the continuance of subsistence levels of take. Within the CBSFA it will be prohibited to:

- 1) Take or possess 'a'ama crabs with eggs;
- 2) Take or possess any kō'ele;
- 3) Take or possess more makaiauli and 'ālinalina (with shell attached) than can fit in a one-gallon-sized bag per person per day;
- 4) Take or possess more than two ula (spiny lobster) per person per day;
- 5) Take or possess any 'ū'ū (menpachi) from April through June;
- 6) Take or possess any pāku'iku'i or kole less than 5 inches in length with a maximum allowable take or possession of five pāku'iku'i per person per day and a maximum allowable take or possession of twenty kole per person per day;
- 7) Spear any uhu at night using any gear type;
- 8) Take or possess any uhu 'ele'ele or any uhu uliuli;
- 9) Take or possess any uhu 'ahu'ula or uhu pālupaluka during the months of March through May;
- 10) Take or possess more than one terminal-phase uhu and two initial-phase uhu per person per day, provided that of the allowable two initial-phase uhu per person per day, only one may be an uhu 'ahu'ula or an uhu pālupaluka.

Additionally, it will be unlawful for any person to engage in the act of aquarium fishing or to take marine life for aquarium purposes within the Area. This section also recognizes that native Hawaiian traditional and customary rights recognized under article XII, section 7, of the Hawaii State Constitution shall not be abridged.

Section 5 prescribes the activities that are allowed and prohibited in the following areas:

- 1) 'Ōpelu Traditional Management Zone: It will be unlawful to take any 'ōpelu using any method other than hook-and-line fishing from February through August;
- 2) The four Pu'uhonua (Pāpā, Honomalino, Kapu'a, and Manukā): All fishing will be prohibited except fishing from shore using throw net, scoop net, and hook-and-line fishing methods, fishing from a vessel using hook-and-line fishing method, fishing using a pole spear, and fishing for akule pursuant to HAR §13-75-12.2 and §13-95-19. Additionally, it will be unlawful to harvest any 'opihi and to fish using any gear or method other than specifically allowed above;
- 3) The Pāku'iku'i Rest Area: It will be unlawful to take or possess any pāku'iku'i; and
- 4) Puakai'a Miloli'i: It will be unlawful to use or possess any spear except for a pole spear, spear any uhu, pāku'iku'i, weke 'ula, moano kea, or 'ū'ū, or to fish using a lay net at night.

Section 6 carves out an exception allowing vessels in possession of restricted gear or species to traverse through the CBSFA as long as they remain in active transit.

Section 7 establishes the administrative and criminal penalties that may be imposed for violations of this chapter.

Section 8 recognizes the State's asset forfeiture authority as an enforcement tool for violations of this chapter. This section will facilitate enforcement of this chapter by providing the Department with the appropriate range of tools to deter violations.

The proposed rules drafted in Ramseyer format have been reviewed by the Attorney General's Office and are attached as **Exhibit 2**.

ADDITIONAL CONSIDERATIONS

Section 188-22.7, HRS, which legislatively designated Miloli'i as a CBSFA, requires the Department to adopt management strategies and rules for the area that "ensure long-term sustainable populations of fish and other marine species."²

DAR notes concerns within the Division as well as expressed by the Chair that the proposed regulations for pāku'iku'i (Achilles tang) may not be sustainable. Pāku'iku'i has been fished extensively in Kona for both aquarium fishing and as a food fish. As noted in the Board discussions on the Kona aquarium fish EIS, populations of pāku'iku'i have plummeted in recent decades. Pāku'iku'i abundance has declined by a range of 50-95% in juvenile habitat areas and by 90% in shallow water adult habitats. These declines have been so severe that the aquarium fishing EIS proposed no take of pāku'iku'i. Additionally, surveys across West Hawai'i have indicated that juvenile recruitment of pāku'iku'i has been very low over the past two decades, indicating that recovery will be slow for this species. The Achilles tang is a long-lived fish, with a life span of 30-40 years, but very small in numbers, so it is extremely vulnerable to overfishing. It is a slow-moving fish, found in small clusters of several fish, in shallow reef habitat in the wash of the waves close to shore, so is very easily caught. Unlike kole, a food fish with quite large populations and much shorter lifespans, pāku'iku'i in any area could be easily wiped out in one day. The proposed rules provide limited pāku'iku'i rest areas south of Miloli'i, and propose a catch limit of five per day. The Department believes this part of the rule could benefit from further public discussion and Board scrutiny. As a proposed rule can generally be made less restrictive, but not more, after public hearing, the Department suggests the Board consider amending the proposed rule to 1) extend the pāku'iku'i rest area south to Point HH (to include all of the Honomalino Bay Pu'u honua), and 2) limit take of pāku'iku'i to not more than one fish per person per day, for further discussion. The Board can take this point up again following the public hearings and public testimony.

² **§188-22.7 Miloli'i fisheries management area.** The Miloli'i fisheries management area, as defined in the administrative rules of the department of land and natural resources, shall be designated a community-based subsistence fishing area, as provided in section 188-22.6. The department of land and natural resources shall adopt management strategies and other rules consistent with section 188-22.6 that:

- (1) Ensure long-term sustainable populations of fish and other marine species; and
- (2) Encourage the scientific study and understanding of subsistence fishing management.

RECOMMENDATIONS:

That the Board:

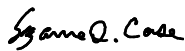
1. Authorize and approve the holding of one statewide public hearing via Zoom to adopt Hawaii Administrative Rules chapter 13-60.XX, Miloli'i Community-Based Subsistence Fishing Area, Hawai'i.
2. Delegate to the Chairperson the authority to appoint a hearing officer to conduct the aforementioned public hearing.

Respectfully submitted,



BRIAN J. NEILSON, Administrator
Division of Aquatic Resources

APPROVED FOR SUBMITTAL



SUZANNE D. CASE, Chairperson
Board of Land and Natural Resources

Attachments:

- Exhibit 1 – DAR Statewide Scoping Summary
- Exhibit 2 – Proposed Rules (Ramseyer format)

Miloli‘i CBSFA Public Scoping Summary

December 16, 2021

On December 16, 2021, the Division of Aquatic Resources (DAR) conducted a virtual public scoping via Zoom on the proposed Miloli‘i CBSFA, including the regulations and management measures, to obtain feedback from interested stakeholders. The following is a summary of the comments, questions, and suggestions, organized by category, received through the public scoping process.

The community shared that the main focus of this proposed area was to feed their kūpuna and their families. There were questions asking how the rules would be enforced and comments that enforcement is always a problem. There was a suggestion to increase education and outreach to increase compliance. There was support for the community in taking steps to manage these very important resources given that the state doesn't currently have any regulations for these species. There was also a suggestion that the proposal or management plan should have sustainability as a focus and goal. A participant mentioned how areas that are developed and managed with community agency and community planning do better than any other protected or managed areas in the world. There were also questions of how this CBSFA would affect native rights to access, gather, and practice traditions. A question was asked regarding thoughts on extracting invasive species like ta‘ape and a potential opportunity for a collaboration with Ho‘okena. There was a clarification on how statewide and CBSFA regulations overlap and why regulations for manini and wana were not proposed for the CBSFA but are for the statewide herbivore initiative. Another question was asked about the independent researchers that assisted with developing the Miloli‘i CBSFA proposal.

I. Proposed Miloli‘i CBSFA Boundaries – Pa‘akai Point, Kīpāhoehoe to Kaunā Point, Manukā (18.6 miles) to a depth of 100 fathoms

The community shared their connections to the areas within the 18.6-mile proposed area and how the families from those areas now live within the Miloli‘i village but their kuleana to the entire proposed area remains which is why they are proposing management in those areas to malama. There were also comments made of how the proposed boundaries align with the Kīpāhoehoe Forest Reserve in the north and the Manukā Forest Reserve in the south, which are both part of the Division of Forestry and Wildlife. A suggestion was made to narrow the boundaries, because 18.6 miles of shoreline is too much for one community, to which DAR responded that the proposed Miloli‘i CBSFA is not for the exclusive use of the Miloli‘i community. These regulations would apply to the general public, and the public is allowed to fish and harvest resources there. The community has proposed management measures for different portions of that zone, but they will not have exclusive use of the area. There was another question asking how ono fishermen would be affected by the 100-fathom boundary. A question was also asked regarding the fish populations moving between boundaries and if the maturation periods changed within the boundaries as well.

II. Proposed Pu‘uhonua Boundaries

- 1) Pu‘uhonua Pāpā: From Lae o Kamimi to Makahiki Point (Approx. 1.19 sq. miles)
- 2) Pu‘uhonua Honomalino: From Kapulau to Pūke‘oke‘o (Approx. 1.1 sq. miles)
- 3) Pu‘uhonua Kapu‘a: From Kalapili to Kāki‘o Point, Kaupō (Approx. 0.98 sq. miles)
- 4) Pu‘uhonua Manukā: From Kamoi Point to South Manukā Bay (Approx. 0.37 sq. miles)

The community shared that the proposed pu‘uhonua boundaries were based on traditional landmarks and where ‘ohana would go to mālama. They also shared feedback received from DOFAW about undersized fish being harvested in large quantities, campers over the weekend staying a long time, night diving, and the need for DOCARE to enforce the forest reserve and adjacent shoreline. There were suggestions about the opportunities to manage access because shoreline access is limited to the proposed pu‘uhonua. There were suggestions to monitor how the area was being utilized by resource users. There was also one participant who wanted clarification on the take of ‘ū‘ū (menpachi) in the Pu‘uhonua Manukā.

III. ‘Ōpelu Traditional Management Zone - Nāpōhakuloloa, Kīpāhoehoe to Kāki‘o Point, Kapu‘a

Rules:

- Open ‘Ōpelu Season: September – January
- Closed ‘Ōpelu Spawning Season*: February – August

** Only take of ‘ōpelu by hook-and-line is allowed*

There was a question asking about the extended length of the proposed ‘ōpelu spawning season, since most fish spawning seasons are usually three months, and if there was any scientific justification. There was also a comment about the use of “chop-chop” and the enforceability of the rule. Another fisher commented that the closed ‘ōpelu season was for six months, and this was not only to protect the spawning but to allow for adequate reproduction and replenishment following spawning. There was a suggestion of a bag limit for the hook and line fishers for ‘ōpelu. One participant commented about palu being used to attract predatory fish for spearfishing and how this activity could affect the ko‘a in Miloli‘i, Ho‘okena, and Hōnaunau. The suggestion was made for palu and “chop-chop” not to be used in the West Hawai‘i Fishery Management Area.

IV. Pāku‘iku‘i Rest Area (Makahiki Point, Pāpā to Kapulau, Honomalino)

Rules: No take of pāku‘iku‘i (*Acanthurus achilles*, achilles tang)

There was a question related to the spawning and seasonality of pāku‘iku‘i and some other fish in terms of managing the species. Another question was asked about the differences in regulations for commercial versus non-commercial fishers and if the regulations for commercial

fishers only applied to aquarium collectors, or to all commercial fishers. There was a discussion about the differences in subsistence fishing with an emphasis on the resources in the proposed CBSFA being used for consumption (either to eat or to sell to be eaten).

V. Puakai‘a Miloli‘i (Kapukawa‘aiki (Lighthouse) to Lae Loa)

ALLOWED

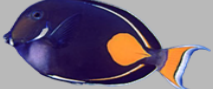
- Use pole spear (i.e. 3-prong) to spearfish non-regulated species
- Use hook and line from shore or vessel
- Use legal throw or scoop net from shore
- Use legal lay/gill net

NOT ALLOWED


- No use of speargun or arbalete
- No spearing (with any gear) of:
 - Uhu
 - Pāku‘iku‘i
 - Weke ‘Ula
 - Moano Kea (Moanakali)
 - ‘Ū‘ū (menpachi)

There was a clarification asked on the definition of weke ‘ula being the yellowfin goatfish or Pflueger’s goatfish. The community clarified they were defining as the yellowfin goatfish (*Mulloidichthys vanicolensis*).


VI. Species

<p><u>Pāku‘iku‘i</u> <u>achilles tang</u> <i>(Acanthurus achilles)</i></p> 	<p>Minimum Size: 5 inches (FL)</p> <p>Bag Limit: No more than 5 fish per person per day</p> <p>Prohibited from taking in the <u>Pāku‘iku‘i Rest Zone</u> (Makahiki Point to <u>Kapulau Point</u>)</p>
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A question was asked whether pāku‘iku‘i need to have a school present for juveniles to recruit to that area. A response was provided by DAR that surgeonfishes can have fairly long pelagic larval durations. This means that after eggs and sperm are released and mix together during spawning, they are out in deeper water for a substantial period of time. In lau‘īpala (yellow tang), for example, this is around 55 days. This may not be known precisely for pāku‘iku‘i, but most surgeonfishes remain as pelagic larvae for around 30-90 days. During this time, the larvae are at the whim of ocean currents. These currents can potentially hold larvae close to their spawning site, but can also bring them much further afield. A study on lau‘īpala showed larval dispersal distances ranging from 15-184 kilometers (9-114 miles). It is hard to tell exactly how much pāku‘iku‘i recruitment relies on schools in a particular area, but given the dispersal distances seen in similar species, it is probably not that critical. It is more important that there are sufficient populations within the region (closer to the moku scale or all of West Hawai‘i), to ensure adequate recruitment and replenishment.

<p>Kole (<i>Ctenochaetus strigosus</i>)</p> 	<p>Minimum Size: 5 inches (FL)</p> <p>Bag Limit: No more than 20 fish per person per day</p> <p>No take during spawning season (March – June)</p>
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There was a concern raised about overfishing with a bag limit of 20 kole, when there is a boat of 5 divers legally harvesting 100 kole from the area. There was also a comment questioning the data for kole and why management was needed for a healthy population. There was also a clarifying question of the species of kole being proposed for regulation.

<p>‘Ū‘ū soldierfish (<i>Myripristis spp.</i>)</p> 	<p>No take during Spawning Season (April - June)</p>
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No questions, comments, or suggestions on ‘Ū‘ū.

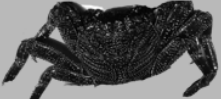
<p>Uhu Parrotfish (<i>Scaridae</i>)</p>  <p>uliuli ‘ahu’ula</p> <p>‘ele’ele pālukaluka</p>	<p>Minimum Size: 14 inches (FL)</p> <p>Maximum Size: 20 inches (FL)</p> <p>Bag Limit: No more than 1 red uhu (female) per person per day</p> <p>No take of blue uhu</p> <p>No harvest during spawning season (March – May)</p> <p>No night spearfishing (3-prong or arbolette) of Uhu</p> <p>Spectacled: uliuli-male, ‘ahu’ula-female (<i>Chlorurus perspicillatus</i>)</p> <p>Red-lipped: uhu ‘ele’ele-male, pālukaluka-female (<i>Scarus rubroviolaceus</i>)</p>
<p>Uhu Parrotfish all other species</p>	<p>Bag Limit: no more than 1 blue and 2 red per person per day</p> <p>NO NIGHT SPEARFISHING (3-prong or arbolette) of Uhu</p>

There was a suggestion of banning the take of uhu at night, and possibly including the management of single prong spears too. A question was asked whether diving for other species at night was legal, as well as a suggestion for no night diving at all. There was a question asking why no take of blue uhu was being proposed. A participant commented that while it seems contradictory to protect females of some fish species but to allow harvest of female parrotfish, it is actually a common regulation found all over the tropics. DAR also responded that fisheries tend to target the larger individuals in a population. For uhu, this means that the larger blue


males often face strong fishing pressure. When you take one of these males out of the population, the largest female in the area will turn into the new dominant male. When this happens, you lose the most dominant male that can effectively guard its territory, but you also lose the best breeding female because that largest female generally produces the most eggs. This means you get a sort of double whammy effect where you're affecting not just the fish being speared, but also the largest female in the school.

Another issue that comes up is that parrotfishes have very complex social structures. In addition to the large blue males, you can have male red uhu that act as sneaker males. These will come in and mate with females without having to directly compete with the larger blue uhu. When the blue uhu are targeted, it can put a strong evolutionary pressure towards this sneaker male style of reproduction which can shift the population into these smaller size classes.

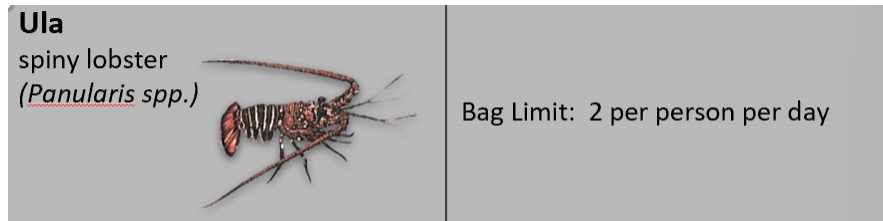
Lastly, there's evidence from other places around the world that if larger individuals in female-to-male sex changing species are targeted, the population can become sperm limited, which means there can be too few males to effectively reproduce. This can have major consequences for the overall reproductive output of the population.

<p><u>'A'ama</u> thin-shelled rock crab (<i><u>Grapsus tenuicrustatus</u></i>)</p> 	<p>No take of females with eggs in entire CBSFA</p>
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A question was asked whether there was a size or bag limit being proposed for 'a'ama, and a suggestion of regulating the technique of harvest.

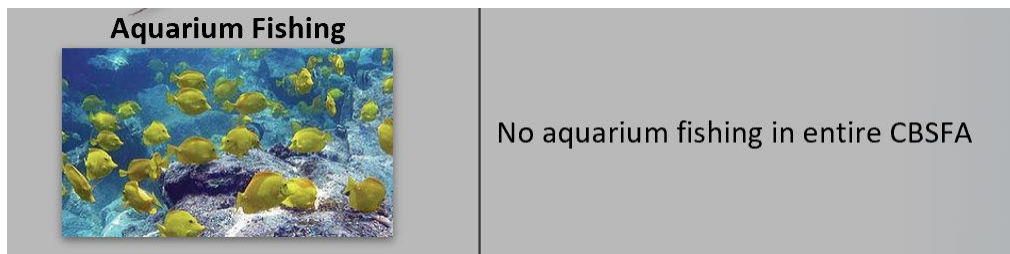
<p><u>'Opihi</u> limpets all species</p>  <p>Makaiauli 'Alinalina Kō'ele</p>	<p><u>Makaiauli</u> (blackfoot / <i><u>Cellana exarata</u></i>) <u>'Alinalina</u> (yellowfoot / <i><u>Cellana sandwicensis</u></i>) - 1 gallon size</p> <p>Bag Limit: No more than 1 bag per person per day (w/ shell)</p> <p><u>Kō'ele</u> (<i><u>Cellana talcosa</u></i>)</p> <p>No take in entire CBSFA</p> <p>No take of any species of 'opihi from any <u>Pu'u honua Zone</u> (<u>Pāpā</u>, <u>Honomalino</u>, <u>Kapu'a</u>, <u>Manukā</u>)</p>
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A comment was made that the opihi regulations will push the effort up to North Kohala, since the shoreline is inaccessible unless you know how to get down.



A question was asked whether the CBSFA will allow the take of females and DAR responded that statewide regulations will still apply.

VII. Aquarium Fishing Prohibition



There were comments in opposition to the proposed aquarium collecting prohibition, as well as opposition of fishing tournaments, because there should not be commercial gain within the CBSFA boundaries. A previous idea of an alternative proposal consisting of no aquarium take of pāku'iku'i and kole only within the proposed CBSFA boundary was mentioned, though the community stated that this is no longer being considered. There was also a comment that the aquarium industry has been proactive in protecting sources of pāku'iku'i, kole, and lau'ipala.

There was support for the proposed aquarium fishing prohibition mentioning that aquarium fishing is not cultural or commercial fishing because it is not a fishery based on consumption/subsistence.

There were concerns regarding potential exclusion of commercial fishers, and a clarification on the definition of commercial fishers. The community recognizes that Miloli'i also has commercial fishermen who fish the area and clarified that although commercial fishing is not considered a subsistence purpose, the community understands that commercial fishing plays a pivotal role in providing for the community and distinguishes commercial fishing from aquarium fishing in that commercial take for the purposes of selling fish for food serves a valuable sustenance purpose.

A comment was made that commercial reef fishing is not a good idea.

DEPARTMENT OF LAND AND NATURAL RESOURCES

Adoption of Chapter 13-60.XX
Hawaii Administrative Rules

(Date of adoption)

1. Chapter 13-60.XX, Hawaii Administrative Rules, entitled "Miloli'i Community-Based Subsistence Fishing Area, Hawai'i" is adopted to read as follows:

"HAWAII ADMINISTRATIVE RULES

TITLE 13

DEPARTMENT OF LAND AND NATURAL RESOURCES

SUBTITLE 4 FISHERIES

PART II MARINE FISHERIES MANAGEMENT AREAS

CHAPTER 60.XX

MILOLI'I COMMUNITY-BASED SUBSISTENCE FISHING AREA,
HAWAI'I

§13-60.XX-1	Purpose
§13-60.XX-2	Definitions
§13-60.XX-3	Boundaries
§13-60.XX-4	Permitted and prohibited activities

§13-60.XX-1

- §13-60.XX-5 Activities prohibited within selected areas
- §13-60.XX-6 Transit through Miloli'i CBSFA with restricted gear and species
- §13-60.XX-7 Penalty
- §13-60.XX-8 Asset forfeiture
- §13-60.xx-9 Severability

§13-60.XX-1 Purpose. The purpose of this chapter regarding the Miloli'i Community-Based Subsistence Fishing Area is to:

- (1) Sustainably support the consumptive needs of communities along the southwest coast of Hawai'i Island through culturally-rooted, community-based fisheries management;
- (2) Ensure the sustainability of nearshore ocean resources in the area through effective management practices, including the establishment of limits on the harvest of aquatic life;
- (3) Recognize and protect customary and traditional native Hawaiian fishing practices that are exercised for subsistence, cultural, and religious purposes in the area;
- (4) Facilitate the substantive involvement of the community in fisheries resource management decisions for the area through dialogue with community residents and resource users;
- (5) Establish the Pu'uhonua Pāpā, Pu'uhonua Honomalino, Pu'uhonua Kapu'a, and Pu'uhonua Manukā to reduce fishing pressure in these areas in order to replenish populations of important fish species while also allowing for sustainable harvest;
- (6) Establish the Pāku'iku'i Rest Area for the preservation and protection of this nursery habitat for pāku'iku'i as an important food fish for community families;

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- (7) Establish Puakai'a Miloli'i as an ocean classroom where the community can continue to impart intergenerational knowledge of traditional cultural ocean practices to future generations while maintaining crucial ocean entrypoints for the community; and
- (8) Establish the 'Ōpelu Traditional Management Zone to ensure local 'ōpelu fish stocks are maintained according to traditional practices as an essential resource for the Miloli'i community and to honor the rich heritage and generational practice of 'ōpelu fishing in Miloli'i. [Eff _____]
(Auth: HRS §§188-22.6, 188-22.7, 188-53, 190-3) (Imp: HRS §§188-22.6, 188-22.7 188-53, 190-3, Haw. Const. art. XI, §6)

§13-60.XX-2 Definitions. As used in this chapter, unless otherwise provided:

"'A'ama crab" means a black, edible intertidal crab species that runs over shore rocks, known as *Grapsus tenuicrustatus* or any recognized synonym.

"Akule" means any fish identified as *Selar crumenophthalmus* or other recognized synonyms. This fish is also known as pā'ā'ā, halalū, hahalalū, and big-eyed scad.

"'Ālinalina" means any limpet known as *Cellana sandwicensis* or any recognized synonym. 'Ālinalina are also known as yellow foot 'opihi.

"Aquarium fishing" means taking marine life for aquarium purposes.

"Aquarium purposes" means to hold marine life alive in a state of captivity, whether as pets, for scientific study, for public exhibition, for public display, or for sale for these purposes.

"Area" means the Miloli'i Community-Based Subsistence Fishing Area (Miloli'i CBSFA), as encompassed within the boundaries described in section 13-60.XX-3(a).

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"Commercial purpose" means the taking of marine life for profit or gain or as a means of livelihood where the marine life is taken in or outside of the State, or where the marine life is sold, offered for sale, landed, or transported for sale anywhere in the State.

"Department" means the department of land and natural resources.

"Diving" means any activity conducted in the water involving the use of a mask, goggles, or any other device that assists a person to see underwater while the person's face is submerged and can involve an underwater breathing apparatus. Diving includes both extractive and non-extractive activities, such as SCUBA diving, free diving, and snorkeling.

"Fish" means any species of marine life with a backbone, gills, and with limbs that are fins, if any.

"Fishing" or "to fish" means catching, taking, or harvesting, or attempting to catch, take, or harvest, aquatic life. The use of a pole, line, hook, net, trap, spear, or other gear which is designed to catch, take, or harvest aquatic life, by any person who is in the water, or in a vessel on the water, or on or about the shore where aquatic life can be caught, taken, or harvested, shall be deemed to be fishing.

"Hook-and-line" means a fishing line to which one or more hooks or other tackle are attached. A hook-and-line may include a fishing rod or reel or both to cast and retrieve the line.

"Kō'ele" means any limpet known as *Cellana talcosa* or any recognized synonym. Kō'ele are also known as giant 'opihi, talc limpet, or turtle limpet.

"Kole" means any fish known as *Ctenochaetus strigosus* or any recognized synonym. Kole are also known as goldring surgeonfish or goldring bristletooth.

"Kūmū" means any fish known as *Parupeneus porphyreus* or any recognized synonym. Kūmū are also known as whitesaddle goatfish.

"Limu" means marine algae, including any alga in the intertidal zone, commonly known as seaweed.

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"Makaiauli" means any limpet known as *Cellana exarata* or any recognized synonym. Makaiauli are also known as black foot 'opihi or Hawaiian blackfoot.

"Marine life" means any type or species of saltwater fish, shellfish, mollusks, crustaceans, coral, algae, or other marine animals, including any part, product, egg, or offspring thereof; or any type or species of seaweeds or other marine plants or algae, including any part, product, seed, holdfast, or root thereof.

"Moano kea" means any fish known as *Parupeneus cyclostomus* or any recognized synonym. Moano kea are also known as moano kali, moano ukali, moano ukali ulua, moana kali, blue goatfish, or goldsaddle goatfish.

"Night" means the period between sunset and the following sunrise.

"'Opelu" means any fish of the genus *Decapterus*. 'Opelu are also known as mackerel scad.

"'Opihi" means any mollusk of the genus *Cellana* or any recognized synonym. 'Opihi are also known as kō'ele, 'ālinalina, makaiauli, or limpets.

"Pāku'iku'i" means any fish known as *Acanthurus achilles* or any recognized synonym. Pāku'iku'i are also known as Achilles tang.

"Pole spear" a spear consisting of a straight shaft terminating in up to three pointed prongs, and to which up to two elastic bands may be attached.

"Scoop net" means a net consisting of a bag of mesh material attached to a frame to hold the bag open, and a handle. The net is small enough to use with one hand by one person. This gear is also known as a hand net.

"Spear" means any device or implement which is designed or used for impaling marine life. Spears may include but are not limited to spear gun shafts, arbaletes, arrows, bolts, Hawaiian slings, tridents, or three-prong spears. A dive knife is not considered to be a spear.

"State" means the state of Hawai'i.

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"Subsistence" means the customary and traditional native Hawaiian uses of renewable ocean resources for direct personal or family consumption or sharing.

"Take" means to fish for, catch, injure, kill, remove, capture, confine, or harvest, or to attempt to fish for, catch, injure, kill, remove, capture, confine, or harvest.

"Throw net" means a circular net with a weighted outer perimeter designed to be deployed by manually casting or throwing the net over fish or other aquatic life. This gear is also known as a cast net.

"Uhu" means any fish belonging to the family Scaridae or any recognized synonyms. Uhu is a general term for fish with large scales and fused, beak-like teeth, known as parrotfish.

"Uhu 'ahu'ula" means any fish known as *Chlorurus perspicillatus* or any recognized synonym. Uhu 'ahu'ula are also known as spectacled parrotfish. The terminal phase of these fish is also known as uhu uliuli.

"Uhu 'ele'ele" means any *Scarus rubroviolaceus* which has reached its terminal phase, indicated by a change in coloration from brownish-red and yellowish-gray, to green and blue. A predominantly green or blue-green body color and a green beak on a specimen of *Scarus rubroviolaceus* is prima facie evidence that the specimen is an uhu 'ele'ele. Both uhu 'ele'ele and uhu pālukaluka are known as redlip or ember parrotfish.

"Uhu pālukaluka" means any fish known as *Scarus rubroviolaceus* or any recognized synonym. Uhu pālukaluka are also known as redlip or ember parrotfish. The terminal phase of these fish is also known as uhu 'ele'ele.

"Uhu uliuli" means any *Chlorurus perspicillatus* which has reached its terminal phase, indicated by a change in coloration from a grayish brown body with a broad white band at the base of the tail, to a blue green body with a dark band across the top of the snout. A predominantly blue-green body color and the lack of a white tail band on a specimen of *Chlorurus perspicillatus* is prima facie evidence that the

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specimen is an uhu uliuli. Both uhu uliuli and uhu 'ahu'ula are known as spectacled parrotfish.

"Ula" means a spiny lobster in the decapod crustacean family Palinuridae. These animals are also known as lobster, Hawaiian spiny lobster, red lobster, or green lobster.

"'Ū'ū" means any fish of the genus *Myripristis*. 'Ū'ū are also known as soldierfish or menpachi.

"Vessel" means any craft used or capable of being used as a means of transportation on or in the water.

"Weke 'ula" means any fish known as *Mulloidichthys vanicolensis* or any recognized synonym. Weke 'ula are also known as yellowfin goatfish or red weke. [Eff] (Auth: HRS §§187A-5, 188-22.6, 188-22.7, 188-53, 190-3) (Imp: HRS §§187A-5, 188-22.6, 188-22.7, 188-53, 190-3)

§13-60.XX-3 Boundaries. (a) The Miloli'i Community-Based Subsistence Fishing Area (Miloli'i CBSFA) includes that portion of the southwestern coast of Hawai'i Island consisting of all state waters and submerged lands bounded by a shoreline boundary consisting of a line drawn along the highwater mark at the shoreline between Pa'akai Point at Kīpāhoehoe in the north at 19.250944°N, -155.899417°W (Point A) to Kaunā in the south at 19.033639°N, -155.878791°W (Point M); a north boundary consisting of a straight line that extends seaward from the shoreline boundary at Pa'akai Point at Point A to a depth of 100 fathoms at 19.250943°N, -155.912689°W (Point AA); a seaward boundary consisting of a line that follows the 100-fathom depth contour along the southwest coast of Hawai'i Island from Point AA in the north to 19.027376°N, -155.883067°W (Point MM) in the south; and a south boundary consisting of a straight line that connects the shoreline boundary at Kaunā (Point M) to the seaward boundary at Point MM; as shown on Exhibit A entitled "Map of the Miloli'i Community-Based Subsistence Fishing Area, Hawai'i", dated 1/19/22, located at the end of this chapter.

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(b) The following sub-zones are established within the Miloli'i CBSFA:

- (1) The "'Ōpelu Traditional Management Zone", which includes all state waters and submerged lands bounded by the shoreline boundary of the Miloli'i CBSFA from Nāpōhakuloloa (also known as 2-Stone) in the north at 19.234444°N, -155.901000°W (Point B) to Kāki'o Point (also known as Kaupō) in the south at 19.134422°N, -155.917339°W (Point J); the seaward boundary of the Miloli'i CBSFA from 19.234176°N, -155.911939°W (Point BB) in the north to 19.134699°N, -155.929158°W (Point JJ) in the south; a straight line in the north from Nāpōhakuloloa at Point B to the seaward boundary of the Miloli'i CBSFA at Point BB; and a straight line in the south from Kāki'o Point at Point J to the seaward boundary of the Miloli'i CBSFA at Point JJ; as shown on Exhibit B entitled "Map of the 'Ōpelu Traditional Management Zone", dated 1/19/22, located at the end of this chapter.
- (2) The "Pu'uhonua Pāpā", which includes all state waters and submerged lands bounded by the shoreline boundary of the Miloli'i CBSFA from Lae o Kamimi in Pāpā Bay at 19.226028°N, -155.902694°W (Point C) in the north to Makahiki Point at 19.202940°N, -155.906161°W (Point D) in the south; the seaward boundary of the Miloli'i CBSFA from 19.226079°N, -155.911577°W (Point CC) in the north to 19.203068°N, -155.914627°W (Point DD) in the south; a straight line in the north from Lae o Kamimi at Point C to the seaward boundary of the Miloli'i CBSFA at Point CC; and a straight line in the south from Makahiki Point at Point D to the seaward boundary of the Miloli'i CBSFA at Point DD; as shown on inset 2 of Exhibit C entitled "Map of Miloli'i CBSFA Pu'uhonua

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Areas", dated 1/19/22, located at the end of this chapter.

- (3) The "Pāku'iku'i Rest Area", which includes all state waters and submerged lands bounded by the shoreline boundary of the Miloli'i CBSFA from Makahiki Point at Point D in the north to Kapulau (also known as Honomalino Point) at 19.172940°N, -155.908801°W (Point G) in the south; the seaward boundary of the Miloli'i CBSFA from Point DD in the north to 19.176530°N, -155.926281°W (Point GG) in the south; a straight line in the north from Makahiki Point at Point D to the seaward boundary of the Miloli'i CBSFA at Point DD; and a straight line in the south from Honomalino Point at Point G to the seaward boundary of the Miloli'i CBSFA at Point GG; as shown on Exhibit D entitled "Map of Pāku'iku'i Rest Area and Puakai'a Miloli'i", dated 1/19/22, located at the end of this chapter.
- (4) "Puakai'a Miloli'i", which includes all state waters and submerged lands bounded by the shoreline boundary of the Miloli'i CBSFA from Kapukawa'aiki (also known as the Miloli'i Lighthouse) at 19.187033°N, -155.908020°W (Point E) in the north to Lae Loa at 19.181003°N, -155.908853°W (Point F) in the south; the seaward boundary of the Miloli'i CBSFA from 19.187989°N, -155.918099°W (Point EE) in the north to 19.183264°N, -155.920992°W (Point FF) in the south; a straight line in the north from Kapukawa'aiki at Point E to the seaward boundary of the Miloli'i CBSFA at Point EE; and a straight line in the south from Lae Loa Point at Point F to the seaward boundary of the Miloli'i CBSFA at Point FF; as shown on Exhibit D entitled "Map of Pāku'iku'i Rest Area and Puakai'a Miloli'i", dated 1/19/22, located at the end of this chapter.

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- (5) The "Pu'uhonua Honomalino", which includes all state waters and submerged lands bounded by the shoreline boundary of the Miloli'i CBSFA from Kapulau (also known as Honomalino Point) at Point G in the north to Pūke'oke'o (also known as Pōhaku Ke'oke'o) at 19.161944°N, -155.912903°W (Point H) in the south; the seaward boundary of the Miloli'i CBSFA from Point GG in the north to 19.163768°N, -155.929541°W (Point HH) in the south; a straight line in the north from Kapulau at Point G to the seaward boundary of the Miloli'i CBSFA at Point GG; and a straight line in the south from Pūke'oke'o at Point H to the seaward boundary of the Miloli'i CBSFA at Point HH; as shown on inset 1 of Exhibit C entitled "Map of Miloli'i CBSFA Pu'uhonua Areas", dated 1/19/22, located at the end of this chapter.
- (6) The "Pu'uhonua Kapu'a", which includes all state waters and submerged lands bounded by the shoreline boundary of the Miloli'i CBSFA from Kalapili (Okoe Bay) at 19.147823°N, -155.910996°W (Point I) in the north to Kāki'o Point (also known as Kaupō) at Point J in the south; the seaward boundary of the Miloli'i CBSFA from 19.149582°N, -155.929769°W (Point II) in the north to Point JJ in the south; a straight line in the north from Kalapili at Point I to the seaward boundary of the Miloli'i CBSFA at Point II; and a straight line in the south from Kāki'o Point at Point J to the seaward boundary of the Miloli'i CBSFA at Point JJ; as shown on inset 1 of Exhibit C entitled "Map of Miloli'i CBSFA Pu'uhonua Areas", dated 1/19/22, located at the end of this chapter.
- (7) The "Pu'uhonua Manukā", which includes all state waters and submerged lands bounded by the shoreline boundary of the Miloli'i CBSFA from Kamoi Point (north point of Manukā Bay)

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at 19.078090°N, -155.905953°W (Point K) to the south point of Manukā Bay at 19.075940°N, -155.900410°W (Point L); the seaward boundary of the Miloli'i CBSFA from 19.074411°N, -155.912682°W (Point KK) in the north to 19.069717°N, -155.909436°W (Point LL) in the south; a straight line from Kamoi Point at Point K to the seaward boundary of the Miloli'i CBSFA at Point KK; and a straight line from the south point of Manukā Bay at Point L to the seaward boundary of the Miloli'i CBSFA at Point LL; as shown on inset 3 of Exhibit C entitled "Map of Miloli'i CBSFA Pu'u honua Areas", dated 1/19/22, located at the end of this chapter.

(c) For the purposes of this chapter, the shoreline shall be determined by the upper reaches of the wash of the waves on shore. Should there be a stream or river flowing into the ocean, the shoreline shall be determined by an imaginary straight line drawn between the upper reaches of the wash of the waves on either side of the stream or river. [Eff] (Auth: HRS §§188-22.6, 188-22.7, 188-53, 190-3) (Imp: HRS §§187A-1.5, 188-22.6, 188-22.7, 190-3)

§13-60.XX-4 Permitted and prohibited activities.

(a) Nothing in this chapter shall be construed as abridging traditional and customary native Hawaiian rights or as allowing within the Miloli'i CBSFA any activity or fishing gear otherwise prohibited by law or rules adopted by the department of land and natural resources or any other department of the State.

(b) It is unlawful for any person to engage in the act of aquarium fishing or to take marine life for aquarium purposes within the Area.

(c) Except as provided in section 5, the following species-specific restrictions apply within the Miloli'i CBSFA:

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- (1) It is unlawful to take or possess any female 'a'ama crab with eggs.
- (2) It is unlawful to take or possess:
 - (A) Any kole during the months of March through June;
 - (B) More than twenty kole per person per day; or
 - (C) Any kole less than five inches in length.
- (3) It is unlawful to take or possess any kō'ele.
- (4) It is unlawful to take or possess more makaiauli and 'ālinalina (with shell attached) than can fit in a one-gallon size bag per person per day.
- (5) It is unlawful to take or possess:
 - (A) More than five pāku'iku'i per person per day; or
 - (B) Any pāku'iku'i less than five inches in length.
- (6) It is unlawful to:
 - (A) Spear any uhu at night using any gear type;
 - (B) Take or possess any uhu 'ele'ele or any uhu uliuli at any time;
 - (C) Take or possess any uhu 'ahu'ula or uhu pālukaluka during the months of March through May;
 - (D) Take or possess any uhu 'ahu'ula or uhu pālukaluka less than fourteen inches in length or more than twenty inches in length; or
 - (E) Take or possess more than one terminal-phase uhu and two initial-phase uhu per person per day, provided that of the allowable two initial-phase uhu per person per day, only one may be an uhu 'ahu'ula or an uhu pālukaluka.
- (7) It is unlawful to take or possess more than two ula per person per day.
- (8) It is unlawful to take or possess any 'ū'ū from April through June. [Eff

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] (Auth: HRS §§187A-5, 188-22.6, 188-22.7, 188-53, 190-3) (Imp: HRS §§187A-5, 188-22.6, 188-22.7, 188-53, 190-3)

§13-60.XX-5 Activities prohibited within selected areas. (a) While within the 'Ōpelu Traditional Management Zone as described in section 13-60.XX-3(b)(1), it is unlawful to take any 'ōpelu using any method other than hook-and-line fishing from February through August.

(b) While within the four Pu'uhonua as described in section 13-60.XX-3(b), paragraphs -(2), -(5), -(6), and -(7), all fishing is prohibited except:

- (1) Fishing from shore using throw net, scoop net, and hook-and-line fishing methods;
- (2) Fishing from a vessel using hook-and-line fishing method;
- (3) Fishing using a pole spear; and
- (4) Fishing for akule using nets in compliance with chapters 13-60.4, 13-75, and 13-95.

(c) While within the four Pu'uhonua as described in section 13-60.XX-3(b), paragraphs -(2), -(5), -(6), and -(7), it is unlawful to:

- (1) Harvest any 'opihi; or
- (2) Fish using any gear or method other than specifically allowed in section 5(b).

(d) While within the Pāku'iku'i Rest Area, it is unlawful to take or possess any pāku'iku'i.

(e) While within Puakai'a Miloli'i, it is unlawful to:

- (1) Use or possess any spear except for a pole spear;
- (2) Spear any uhu, pāku'iku'i, weke 'ula, moano kea, or 'ū'ū; or
- (3) Fish using a lay net at night. [Eff

] (Auth: HRS §§187A-5, 188-22.6, 188-22.7, 188-53, 190-3) (Imp: HRS §§187A-5, 188-22.6, 188-22.7, 188-53, 190-3)

§13-60.XX-6

§13-60.XX-6 Transit through Miloli'i CBSFA with restricted gear and species. Prohibited gear and restricted species as described in sections 13-60.XX-4 and 13-60.XX-5 may be possessed while onboard a vessel in active transit through the areas, provided that no prohibited gear is in the water during the transit. Boats that are adrift, anchored, or moored are not considered to be in active transit with the exception of vessels in line for the boat ramp and vessels actively loading and unloading at the wharf or on shore. [Eff _____] (Auth: HRS §§187A-5, 188-22.6, 188-22.7, 188-53, 190-3) (Imp: HRS §§187A-5, 188-22.6, 188-22.7, 188-53, 190-3)

§13-60.XX-7 Penalty. (a) Any person who violates any provision of this chapter shall be subject to:

- (1) Administrative penalties as provided by section 187A-12.5, HRS;
- (2) Criminal penalties as provided by section 188-70, HRS; and
- (3) Any other penalty as provided by law.

(b) Unless otherwise expressly provided, the remedies or penalties provided by this chapter are cumulative to each other and to the remedies or penalties available under all other laws of this State. [Eff _____] (Auth: HRS §§187A-5, 188-22.6, 188-22.7, 188-53, 190-3) (Imp: HRS §§187A-5, 187A-12.5, 188-22.6, 188-22.7, 188-70, 190-5)

§13-60.XX-8 Asset forfeiture. Any equipment, article, instrument, aircraft, vehicle, vessel, business record, or natural resource used or taken in violation of this chapter, may be seized and subject to forfeiture as provided by section 199-7 and chapter 712A, HRS. [Eff _____] (Auth: HRS §190-3) (Imp: HRS §199-7, ch. 712A)

§13-60.XX-9

§13-60.XX-9 Severability. If any provision of this chapter, or the application thereof, to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable." [Eff] (Auth: HRS §§187A-5, 188-22.6, 188-22.7, 188-53, 190-3) (Imp: HRS §§1-23, 187A-5, 188-22.6, 188-22.7, 188-53, 190-3)

2. The adoption of chapter 13-60.XX, Hawaii Administrative Rules, shall take effect ten days after filing with the Office of the Lieutenant Governor.

I certify that the foregoing are copies of the rules, drafted in the Ramseyer format pursuant to the requirements of section 91-4.1, Hawaii Revised Statutes, which were adopted on _____ and filed with the Office of the Lieutenant Governor.

SUZANNE D. CASE
Chairperson
Board of Land and Natural
Resources

APPROVED FOR PUBLIC HEARING:

/s/Colin J. Lau
Deputy Attorney General

Exhibit A: Map of the Miloli'i Community-Based Subsistence Fishing Area, Hawai'i (1/19/22)

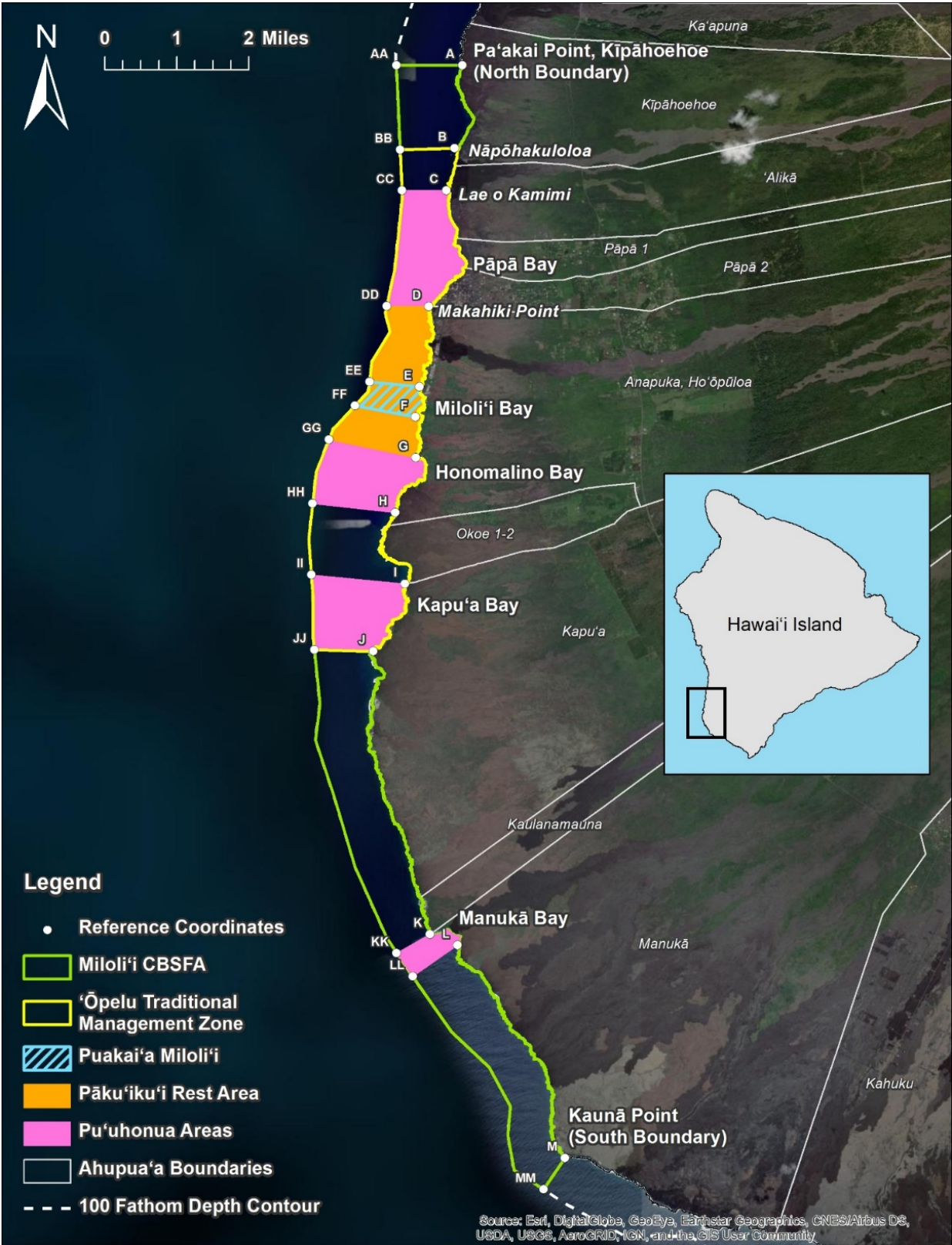


Exhibit B: Map of the 'Ōpelu Traditional Management Zone
(1/19/22)

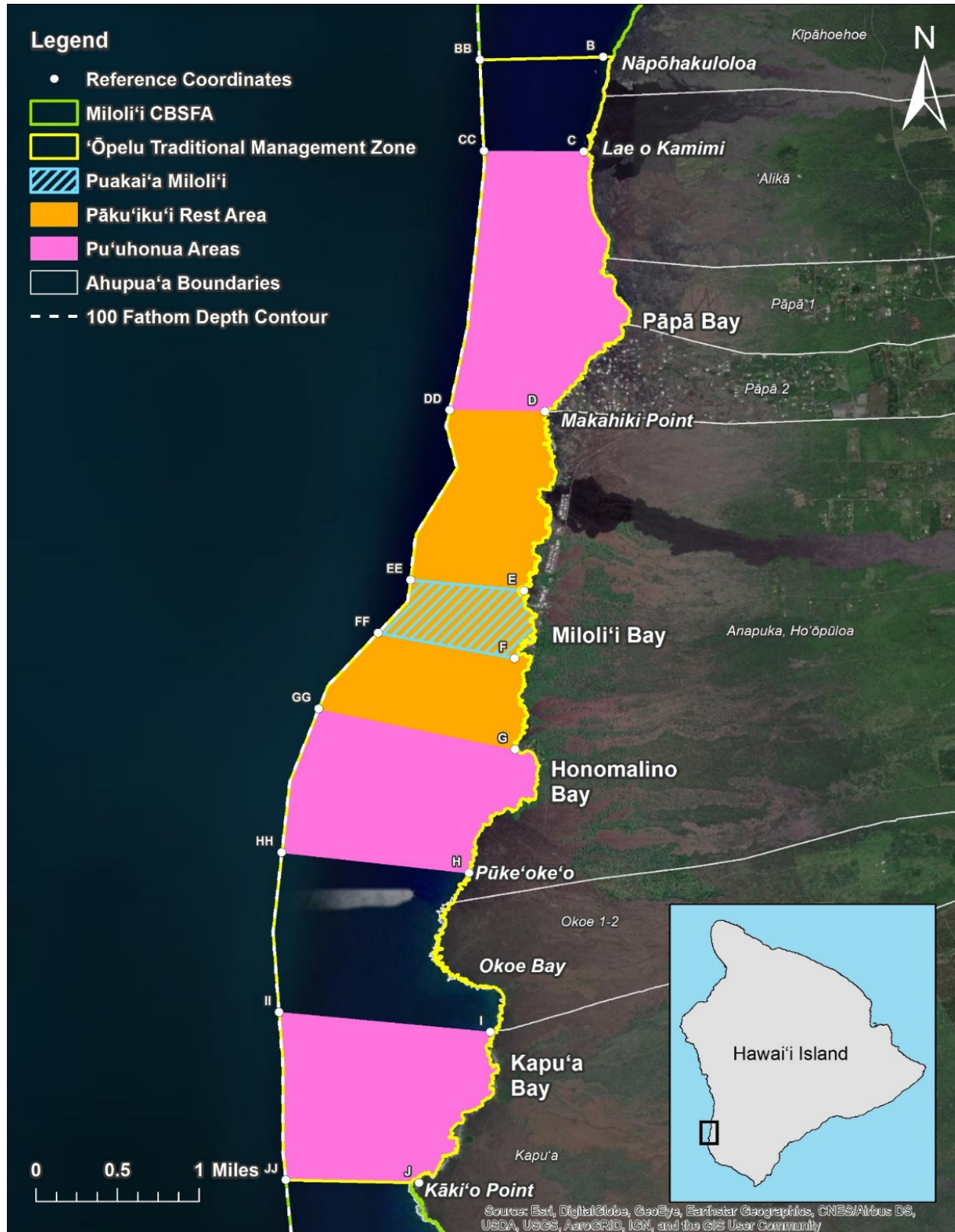


Exhibit C: Map of Miloli'i CBSFA Pu'uhonua Areas (1/19/22)

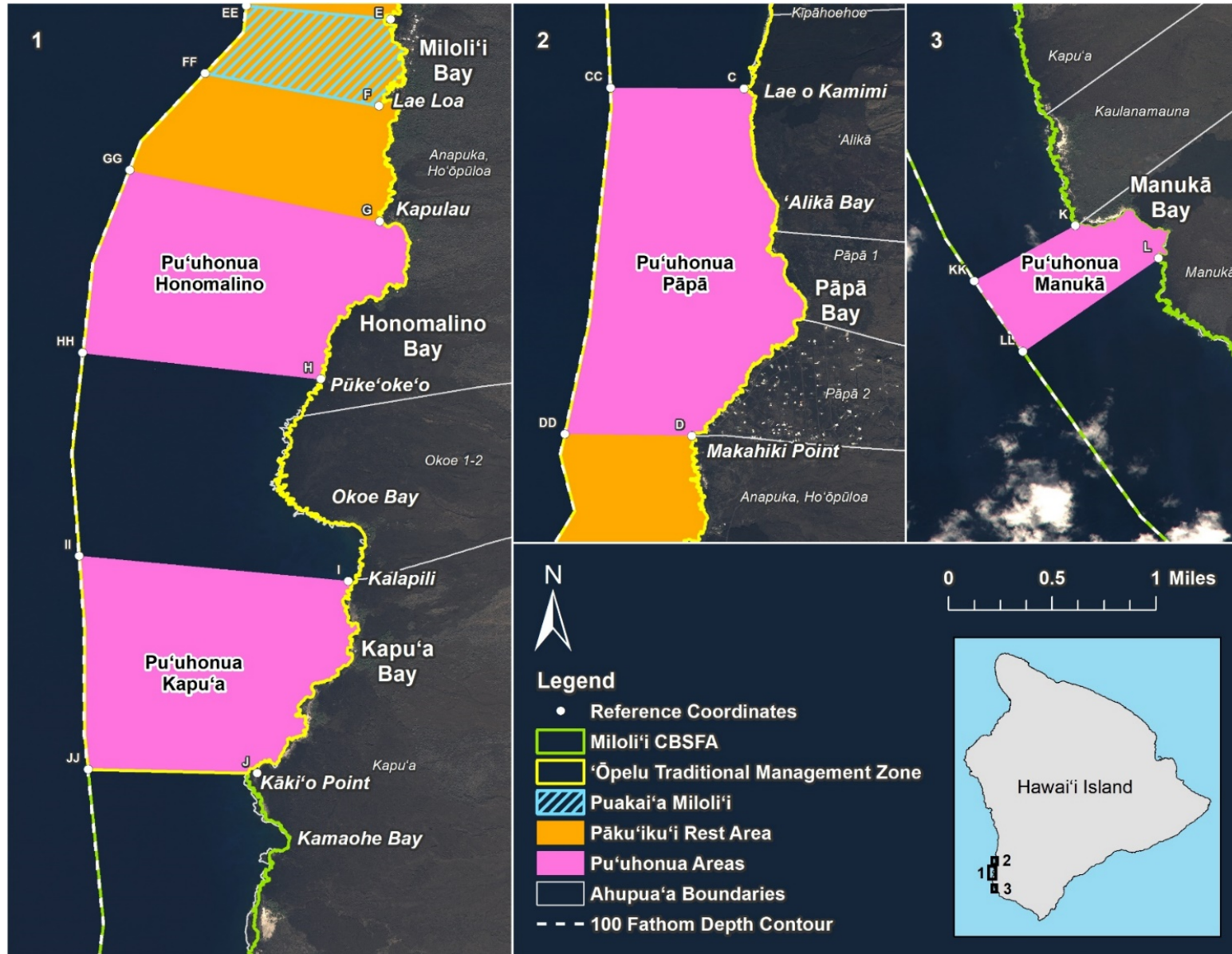


Exhibit D: Map of Pāku'iku'i Rest Area and Puakai'a Miloli'i
(1/19/22)

